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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 HANDSOMELAND, LLC,

9 Plaintiff,

10 v.

11 CITY OF SEATTLE, *et al.*,

12 Defendants.
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NO. C19-1764RSL

ORDER REQUIRING AMENDED
COMPLAINT AND DENYING
MOTION FOR APPOINTMENT OF
COUNSEL

15 On November 5, 2018, the Court granted plaintiff's motion to amend the complaint to
16 substitute Roland Ma as plaintiff and directed Mr. Ma to show cause why this matter should not
17 be dismissed pursuant to a bar order entered in the case of Ma v. Dep't of Educ., C19-0399JCC,
18 Dkt. # 92 at 2 (W.D. Wash. Aug. 23, 2019). Mr. Ma has now paid the outstanding filing fee in
19 C19-0399JCC: the Order to Show Cause (Dkt. # 10) is therefore VACATED.

20 Mr. Ma shall, within fourteen days of the date of this Order, file an amended complaint
21 with a corrected caption and any other changes necessitated by his substitution as the named
22 plaintiff.
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24 The Application for Court-Appointed Counsel filed on behalf of Handsomeland, LLC
25 (Dkt. # 1-1 and # 6) is DENIED as moot now that Handsomeland, LLC, is not a party to this
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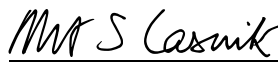
27 ORDER REQUIRING AMENDED COMPLAINT
28 AND DENYING MOTION FOR APPOINTMENT
OF COUNSEL - 1

1 litigation. If Mr. Ma intends to seek appointment of counsel to represent him in his individual
2 capacity, he should be aware that:

3 Generally, a person has no right to counsel in civil actions. See Storseth v.
4 Spellman, 654 F.2d 1349, 1353 (9th Cir. 1981). However, a court may under
5 “exceptional circumstances” appoint counsel for indigent civil litigants pursuant to
6 28 U.S.C. § 1915(e)(1). Agyeman v. Corrs. Corp. of Am., 390 F.3d 1101, 1103
7 (9th Cir.2004). When determining whether “exceptional circumstances” exist, a
8 court must consider “the likelihood of success on the merits as well as the ability
9 of the petitioner to articulate his claims pro se in light of the complexity of the
10 legal issues involved.” Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).
11 Neither of these considerations is dispositive and instead must be viewed together.
12 Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986).

13 Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009). In addition, the party seeking appointment
14 of counsel must show indigency: while permission to proceed in forma pauperis is evidence of
15 indigency, this district also requires submission of a financial affidavit, found at
16 <https://www.uscourts.gov/forms/cja-forms/financial-affidavit>. In this case, the filing fee was paid
17 and no financial affidavit has been submitted. The praecipe filed by Mr. Ma on November 6,
18 2019, does not correct these deficiencies. Dkt. # 11.

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20 Dated this 7th day of November, 2019.

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22 Robert S. Lasnik
23 United States District Judge
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